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COBBETT'S WEEKLY POLITICAL REGISTER.

VOL. XIX. No. 50.]

LONDON, SATURDAY, JUNE 22, 1811.

[Price 1s.

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[1538]

TO THE READERS.

After the next Week, which will close the present Volume, I shall publish only ONE NUMBER in the Week, and that on the SATURDAY, as formerly; and, I shall not publish any *Double Number* at the end of each Month as I used to do; but merely one Number in a week, and a sheet with *Tables* and *Index* at the end of each Volume.

SUMMARY OF POLITICS.

FLOGGING SOLDIERS.—On Tuesday, the 18th instant, SIR FRANCIS BURDETT brought forward, in the House of Commons, his long-expected motion upon the subject of military flogging in our army.—The debate, owing to a long debate, on the same evening, in the House of Lords, has been very imperfectly reported in the news-papers. Indeed, it has not, from what I can learn, been made to contain a tenth part of what was said by SIR FRANCIS. Nevertheless, I shall insert it, just as it has appeared in the COURIER newspaper; for, defective as it is, it contains matter, that, when known, must do good.—The *instances* cited by SIR FRANCIS BURDETT are certainly very strong; but we may be well assured, that he did not state them without good foundation. His authority was called *anonymous*, and, therefore, not to be relied on; but what did he say; why, that he had his information from *gentlemen of character*, who had been *eye-witnesses of the facts*, and whose names he would communicate, if the House would go into an inquiry; but that he would not communicate these names unless it was to be attended with some advantage to the army and the public, seeing that the communication might expose (in a way that need not be named) those who had the merit of thus standing forward. If, indeed, the Honourable House had consented to go into an inquiry respecting the flogging; if it had thought it worth while to put Sir Francis to the *proof*, relative to

the man's being *flogged for blindness*, for instance, then, he would have been bound, not only to *name*, but, if possible, to *produce* his witnesses; but, his naming them could do no good, unless an inquiry took place, and of those witnesses the naming of them might have been the ruin.—There were some of the cases, however, which admitted of easy proof, without implicating any body, and these Sir Francis had only to name, as he did. For instance, the case of the two men in Gibraltar, who *chopped off each a hand*, in order to get out of the service! What a horrible thing! What must the feelings of those men have been, before they came to that point? What must have been their disgust, their abhorrence, their despair! It was not insanity. It was not that feebleness of mind which produces suicide in some cases, nor that shame or want that produces it in other cases; there was nothing cowardly in the act. On the contrary, an uncommon degree of courage. The act manifestly proceeded from a settled conviction, that no suffering could surpass what the parties endured; and that, in order to get rid of that state of existence, in which they were, it was worth their while to venture their lives.—These men are, it seems, or were (for they may be dead now) tried, flogged, and afterwards kept constantly at some sort of hard and degrading employment, with orders for no soldier ever to speak to them. They were not *discharged*, lest others should thereby be *encouraged to follow their example*. Good God! Encouraged to follow an example of chopping off their own hands! If these two men had obtained their discharge by such means, it was feared that others would follow their example! There could be no good reason for keeping them but this. Their presence in their regiments could not tend to do the service any good. The commanding officer would naturally wish to get rid of such men, the very sight of whom must have been disagreeable. They could be of *no real use*; for, as to the labour about a garrison, there are always hands enough to do it, and, as to arms, it was quite out of the

question for them to use arms of any sort. So that, the object of detaining the poor wretches in the service must have been to convince others, that if they did chop off their hands, they would not get clear of the army the sooner for that. This object might be thus answered for any thing that I know; but, what must be the state of that man, who stands in need of such an example? What must be the state of the man, who needs *any* motive, no matter what, to induce him to forbear from cutting off his limbs? There are none of the prisoners in the King's-Bench or Cold-bath fields or any where else, except under sentence of death, that would not rather undergo any punishment that the law can inflict on them, than *cut off their hands*. Yet these soldiers, in order to get out of the army, cut off their hands!—It is *possible*, that this statement may have been erroneous; but, there can be no doubt that Sir Francis received the information, and that he believed it to be true. At any rate, it may be easily verified; and if any thing be worthy of the attention of the parliament it is this.—The fact was stated in all the news-papers about two years ago, of many soldiers having *blinded themselves* in order to get free from the army. I never heard that fact contradicted; but, suppose it was true only to the extent of half a dozen men, what a horrid thing it is to think of! And how loudly does such a fact call for something to be done?—The Judge Advocate deprecated the practice of making the House a sort of *military Court of Appeal*. It was no appeal that was now made by any one in the army, or by any part of the army. It was a great question of military law, that law to which the whole of the able male population of the country are now exposed. Every man in England, able to bear arms, is, as the law now stands, liable to be flogged; for, every such man is liable to be compelled to take up arms and to submit to military law, and that law renders any one subject to it liable to be flogged. Nothing is more clear, therefore, than that, as the law now stands, **every man in England, capable of bearing arms, is liable to be flogged.**—Let me ask, therefore, what there is in all the matters in which we take an interest that can concern us more closely than this. Let me ask what there is that can more loudly demand the attention of a member of parliament, who bears in mind the ends for which he has been placed in that situation. Talk of *property and liberty*, indeed, what are

they; what do they mean while the flogging question is undecided? Let any man who has sons consider, that if they are 18 years of age, they are liable to be forced to be Local Militia men, unless they have *ten pounds each* to pay in the way of *fine*; and, when Local Militia men, they are liable to be flogged; hence, it follows, of course, that every young man in England who is 18 years of age and under 30, is, unless he has ten pounds in his pocket ready to count down, liable to be flogged.—And, will any one tell me, that this is a matter that ought not to be *discussed*? Will any one tell me, that this is a subject upon which men ought not to express their sentiments? For my part, I cannot see, why the soldiers should cease to be objects of the attention of the press, merely because they are soldiers; but, at any rate, when all the able bodied men in the country are liable to become, any day or hour, subject to military law, it surely becomes us to inquire into the nature of that law, and to express our sentiments freely thereon. We talk a great deal about the *Bill of Rights* and some other celebrated statutes; but, what of these, compared to the law of which we are now speaking? What of all these, while the law we are now talking of applies to every man of us, who is able to carry a musket?—I shall be told, perhaps, that the rich have nothing to apprehend from it; that all peers, members of parliament, and the learned in the law, physic, and divinity, are not liable to the Militia law; and that the sons of private gentlemen can afford to pay the fine. Very true; but, ought we, ought such a man as Sir Francis Burdett, ought a real representative of the people, to like the law the better on this account? The boast of our laws has been, that they *operate on all alike*; and it is quite surfeiting to hear, sometimes, the endless eulogiums on our laws, when a case of any notoriety happens to be decided in favour of a poor man when his opponent is rich. But where is the ground of this boast in the case before us? The rich man can purchase an exemption from the liability to be flogged; but the man who has not ten pounds to count down cannot purchase such exemption. Does it not, then, become every man to consider well, whether this sort of punishment be necessary?—It is not long, comparatively speaking, since the very talk of an army such as we now have would have frightened

people. By degrees we have seen the army, of one sort and another, augmented to a pitch, that, at last, no inconsiderable part of the whole nation is liable to the military law; and, who can tell how much farther the augmentation will go? Who can tell what part of us will be, at last, left unsubjected to this law? Does it not, then, become us to consider well what sort of law this is? If we have no feeling for the soldier, we may, at least, be expected to have some for our sons, our brothers, and ourselves. It is never *all at once* that any great change is made in the state of any people. By degrees this change in our state has come upon us. By slow degrees, and by varying its shape and its manner of approaching us, the military system has attained to its present extent. It has now enveloped no small part of the community; and whither it tends no man can possibly mistake. It will, perhaps, have its course. Nothing that I know of will stop it; but, at any rate, we ought to endeavour to make it as bearable as may be.—The strongest thing against the practice of flogging, is, the *experience* of many of our own officers, *that it is not necessary*. A comparison had, before, been drawn between our service and that of Napoleon. That was not relished; that was held to be seditious; but we can now appeal to some of our own officers, who, wherever they have tried it, have found a different course preferable.—I will here quote, from the report of Mr. BROUGHAM's speech upon Mr. DRAKARD's trial, the sentiments, expressed upon this subject by Sir ROBERT WILSON, Sir JOHN STEWART, and GENERAL MONEY. The first has the following words:—“Corporal punishments never yet reformed a corps, but they have tally ruined many a man who would have proved, under milder treatment, a meritorious soldier. They break the spirit without amending the disposition, whilst the lash strips the back, despair writhes round the heart, and the miserable culprit viewing himself as fallen below the rank of his fellow species, can no longer attempt the recovery of his station in society. Can the brave man, and he endowed with any generosity of feeling, forget the mortifying, vile condition in which he was exposed? Does not, therefore, the cat-o'-nine-tails defeat the chief object of punishment. Gentlemen who justly boast the most liberal education in the

“ world, have familiarised themselves to a degree of punishment which characterizes no other nation in Europe. England should not be the *last* nation to adopt humane improvements.—France allows of flogging only in her marine. The present age is a remarkable epoch in the history of the world. Civilization is daily making the most rapid progress, and humanity is triumphing hourly over the last enemies of mankind. But whilst the African excites the compassion of the nation, and engages the attention of the British legislature,—the *British soldier*—their fellow-countryman, the gallant, faithful protector of their liberties, and champion of their honour,—is daily exposed to suffer under an *abuse* of that power, with which ignorance or a bad disposition may be armed.”—Now, here is not only censure on the system of flogging, not only censure on *our* system, but praise of the system of the French. Here is every thing said that any writer has been accused of saying; and, I ask again, what right Sir ROBERT WILSON had to say it any more than Mr. Drakard?—Next comes Sir JOHN STEWART, who is now the Commander in Chief in Sicily. “He says, “The frequent infliction of corporal punishment in our armies tends strongly to *debase the minds and destroy the high spirit of the soldiery*—it renders a system of increasing rigour necessary—it deprives discipline of the influence of honour, and destroys the subordination of the heart, which can alone add voluntary zeal to the cold obligations of duty.” He further says, “The perpetual recurrence to the infliction of infamy on a soldier by the punishment of flogging, is one of the most *mistaken modes for enforcing discipline* which can be conceived.”—And then, as if there were some fatality attending the discussion of this question—as if there was something which prevented any one's touching the subject without comparing the military discipline of France with our own, General Stewart is scarcely entered on his argument before he is in the middle of this comparison. He says, “In the French army a soldier is often shot, but he rarely receives corporal punishment, and in no other service is discipline preserved on truer principles.”—GENERAL MONEY, in the year 1806, published a pamphlet, in the form of a

LETTER to the late Mr. WINDHAM, wherein he says, ““ I beg leave, Sir, to submit ““ to you, and to his Majesty’s ministers, a measure, the adoption of which ““ will, in the opinion of every military man ““ I have conversed with on the subject, bid ““ fair to put a stop to desertion. When ““ a man deserts, and he is taken, he is ““ liable to be shot; that, indeed, is seldom inflicted for the first offence, but ““ he is punished in a manner that is not ““ only a disgrace to a nation that boasts of ““ its freedom and its humanity, but is an ““ injury to the recruiting our army,—it ““ strikes such terror into the peasantry ““ of the country. The culprit is tied ““ up to the halberts, in the presence ““ of the whole regiment and receives ““ six or eight hundred lashes,—sometimes ““ a thousand. He faints!—he recovers, ““ and faints again!—and some expire ““ soon after the punishment! It wounds ““ my feelings when I reflect on the dreadful sufferings of men I have seen, and ““ been obliged to see, thus cruelly punished;—and what other epithet can ““ be used than *cruel*? I have told men ““ that *I wished the sentence had been death*; ““ and true it is, that there are men who ““ have preferred death to the disgrace and ““ punishment.””—It is quite impossible to say any thing more strong than this. But it is worth observing, that all this had no effect; that the practice continued, and that, with the sole exception of SIR FRANCIS BURDETT, in the year 1807 and 1808, no one ever noticed it in parliament.—The DUKE OF GLOUCESTER has now publicly declared, that his regiment is the better for not being flogged; that discipline, so far from being the *effect* of flogging, may be carried to greater perfection without it. We have this statement now under this Royal Duke’s hand; and, with this before us, is there any man, who will pretend, that the practice ought not to be abolished as soon as possible? Every military man, who has written upon the subject of flogging, has condemned it, not only as cruel in itself, but as injurious to the service in various ways. No one has ever, that I know of, expressed, in print, a different opinion. And, what, then, could be more proper than the motion of SIR FRANCIS BURDETT to address the Prince Regent to use the speediest means of putting an end to the practice?—The JUDGE ADVOCATE said, that this was *an improper time* for the motion, seeing that parliament was just about

to rise; but, what was that circumstance to the question? The parliament would have done all that Sir Francis wished when it had requested the Prince Regent to discountenance the practice. That could be done now as well as in any former part of the session, and, perhaps, better; but, be that as it may, a thing ought not to be delayed for *a year* because it has been delayed *six months*. There is no reason in that. In short, this objection to the motion on the score of time, is like the objection to the time for *parliamentary reform*: any time but the *time present*.—It was further said, in answer to SIR FRANCIS, that parliament had done something this session by the *new clause in the mutiny act*. That clause did really nothing at all. It has given *no new powers* to Courts martial; and it has not, in any respect, *taken away a particle of their power*. They have just the same power to sentence men to be flogged that they had before; the same discretion as to extent of lashes (which has no limit); the commanding officer has all the powers that he had before as to causing the sentence to be executed; the same crimes remain punishable as before; and, in short, as a *law*, as being *obligatory* upon any one, the Mutiny Act remains just what it was before.—*Last year* a soldier might be flogged as long as he could bear flogging for being absent from his quarters at drum-beating time: and *so he may still*. I do not say, that it *would* be done; but I say, that it *may* be done; and I repeat, that the clause so much talked of has made no change at all, none the least in the world, in the *law*. It does, in fact, amount to a mere *hint* to officers, that they would *imprison* rather than *flog*. It may have some effect; and as far as it has an effect, it will do good. But, should the parliament stop here? Is it for *law-givers* to send forth *hints*? It is not hints that they send us, i’faith, upon the subject of the Income Tax and Assessed Taxes. They do not content themselves with hints when they are calling upon the people to maintain this army. And, why should they have stopped at hints in this case? — Still, however, I must allow, that there is some merit in the hint, though I may differ in opinion, perhaps, with MR. SUTTON, as to whom that merit belongs; for, certain it is, that, in spite of all that Sir ROBERT WILSON and Sir JOHN STEWART and GENERAL MONEY wrote and published about the matter; in spite of all that they and that every body else could say about the matter, certain it

is, that, *till this last year*, nothing was done, or attempted to be done, or even talked of, by the government. In short, it was not 'till the press seized hold of the subject, that any change was even hinted at. Sir FRANCIS BURDETT had, indeed, begun before. He made his motion for a return of the courts-martial, in the year 1807, and he spoke against the Local Militia Bill in as much as it exposed the young men of the country to be flogged; and it is very curious, that what Mr. SUTTON eagerly took occasion to state as having been done by the Duke of York, namely, the causing of returns to be regularly made of all regimental courts-martial, is the very thing that Sir FRANCIS BURDETT proposed three years ago. This, to be sure, will be a *very excellent regulation*. It will enable the government to see, at any time, in a moment, how the work of punishment goes on. It will answer many good purposes; and the utility of it is so manifest, that one cannot help wondering, that it was *not adopted before!* — Mr. PERCEVAL seems to have said very little to the point indeed. His principal observation was, that he did not know where the Honourable Baronet picked up his notions, "whether he found them in *any periodical publications that he was in the habit of reading.*" It must be a periodical publication *not of this country*, then, if he did so pick up his notions; for, if any writer in England were to venture to attempt to do justice to the subject, he would have reason to remember it as long as he lived. But, what signified it, where Sir FRANCIS picked up his notions? What had *that* to do with the matter? This, however, is always the custom of those who have nothing to say in the way of *argument or fact*, and who must say *something*. — Mr. YORKE was the only person that defended the practice of flogging. He said, that the English army *always had* had this practice in it. Upon this same ground what might not be defended? Why, there have always been robbery and murder in England; but ought we not to endeavour to put an end to robbery and murder? There has, I dare say, always been *drunkenness* in the English army, and plenty of it; would you, therefore, say, that you would not wish to put an end to drunkenness? This is a principle of reasoning that is at war with all improvement, with truth, wisdom, and virtue. — But, I cannot refrain from observing, that this doctrine of *unchangeable customs* is not held so firmly on the other side;

but, on the contrary, when we complain of any of the new and extraordinary changes that have been adopted of late years, we are told of *the change of circumstances*; we are told of *the times*; that the times demand a departure from ancient usages; and, in short, that we live in times without precedent, and therefore, ought not to expect precedent for the acts of our government. — After all, however, it is very clear to me, that a change will take place as to this practice of flogging; and the cause is, that so large a part of the nation is now become liable to that punishment. When there were only 20 or 30 thousand men so liable, people thought less of it; but, now they think very seriously of it; there is an universal sentiment rising against it; another year will, I am satisfied, see it put an end to; and, this will not be the first instance in which Sir FRANCIS BURDETT has took the lead in bringing forward that which all men have finally agreed in regarding as greatly beneficial to the country: may as certain success await his endeavours to procure us a *parliamentary reform!*

BATTLE OF ALBUERA. — We have now the French account of this battle. — The Duke of Dalmatia says he took **SIX ENGLISH COLOURS**, that is to say, the colours of three regiments; the 3rd, 48th, and 66th. Mr. PERCEVAL predicted that the enemy would boast of having taken **TWO** of our colours; and, he was right, *as far as he went*. That the enemy has these six standards there can be no doubt; for the Duke would not dare, Duke as he is, to say so, if he had them not to produce at Paris. — He states the English part of his opponents at 10,000 infantry, and 3,000 cavalry. This is only about two-thirds of the number that I gave them (See page 1413); but, the fault was not mine. I could not know that the several battalions were so much reduced since the month of February last, when the strength of them was laid before the House of Commons. This I know, that *pay* for 20,818 men, horse and foot, was voted for the Corps of English and Germans in the Battle of Albuera; and, if Soult be right in his estimate, our army estimates differ very widely from the *real strength* of the several Corps. — His own force Soult states at 18,000, and ours at 30,000, which is, perhaps, nearer the truth than any thing that has yet been published; for Marshal Beresford does not pretend to speak of Soult's

force as of a certainty.—The number of the prisoners, which the French have *carried off* are stated at 800 English and 1100 Spaniards. It will be observed that Marshal Beresford *could not get at any account* of the Spaniards taken prisoners! These enemies of ours are a malicious race of men; but, in nothing so malicious as in their accounts of our *victories*.—The battle appears from the best accounts to have been a most bloody one. If it be a *victory*, it certainly is one of the dearest ever bought; and, I cannot help thinking, that there is great danger of approaching battles still more bloody; for this defeated French army seems to be preparing for a new attack.—I said, in page 1548, that I suspected the French to have *carried off some of the Spaniards*; and this now appears to have been the case. Indeed, when I saw, that Marshal Beresford could not tell what was the amount of the Spanish loss, I could not doubt of its being very serious; for, his want of ability to get at their returns must have arisen from the broken and dispersed state in which they were.—What is *passed*, however, cannot be helped. Let us look *forward*, and see what we have to expect in the future.—I have been very much surprized at the *statement of Numbers* on the part of the French commanders; because, the numbers they give us do not seem to correspond with any thing that we have been told at home, or that we have a right to expect.—We paid last year 30,000 Portuguese Troops, and we had there 30,000 British troops, agreeably to a convention between the two nations. This year our Honourable House, encouraged by the brilliant victories of the last campaign, have voted 60,000 Portuguese troops, and, I should suppose, that we must have sent out 30,000 English troops since last August. The Portuguese troops are, of course, to be kept up complete, as there is full pay for the 60,000; and, I will not suppose that any very great number of our troops have been *lost*, seeing that we have had hardly any prisoners taken from us, a very few thousands killed, very few lost by deaths; seeing that, in the language of the Morning Post, our army has *always been*, in “the highest health and “spirits,” and, as to *desertion*, there can hardly have been any from our ranks, while we have been informed that the French have had deserters from them by whole battalions at a time. From these facts, facts a thousand times asserted in all our

venal prints, I venture to conclude, that we have 110,000 men in Portugal and on its confines; while, if I am to believe the same prints, the French cannot have half the Number.—But, we have here a new statement in the COURIER news-paper; to which statement we must now pay particular attention, seeing that it is said to come from “THE MOST AUTHENTIC “SOURCES.”—This statement we shall have to refer to many a time between this and Christmas; and, I take this earliest opportunity to apprise the author of it, that I shall, let what will happen, always hold him to this.—“It is believed that “there will be another battle in Portugal. “The French are putting in motion a considerable part of their disposable force, “which they are about to concentrate, “with a view of again taking a position “upon, and endeavouring to maintain, “the line of the Tagus.—With this design General Marmont began to move “from Salamanca towards Avila, on the “26th and 27th ult. whither he intended “to transfer his head-quarters, while a part “of his army was to be cantoned at Tala-“vera de la Reyne. Drouet, with 5,000 “men, also took the same direction on the “16th. These movements, and the intentions which they indicate, have not “escaped the vigilance and sagacity of “Lord Wellington. He will not fail “closely to observe them, though he “may not proceed to open and direct “resistance, until after the fall of Badajoz “and of Ciudad Rodrigo. The latter “place it does not appear to be the intention of the enemy to maintain; for they “have already destroyed the redoubts on “the heights of San Francisco, and mined “most of the principal defences. Badajoz was not expected to surrender on “the 4th of June, as mentioned in the “last Lisbon Papers, but it could not well “hold out beyond the 10th. When we “know the obstinacy of Buonaparte’s “character, and with what tenacity he “adheres to projects once formed, it “will not excite surprize, that he should “make another attempt to retrieve his “affairs in the Peninsula, and again to “establish his forces in the positions which “they formerly occupied. This, however, “he can have no hope of accomplishing without a fresh attack and a “complete defeat of the Allied Army. It “would appear from the movements of “the enemy, which we have already noticed, that they do meditate this de-

" sign, and that in order to accomplish it, " they will immediately collect and con- " centrate all their disposable force in the " Peninsula. We may therefore look to " an engagement between the French and " Allied forces upon a far larger scale " than has yet taken place. We subjoin " an accurate account of the forces which " the contending parties can respectively " bring into the field :—

FRENCH FORCE.	Men.
" Marmont's	25,000
" Soult's	10,000
" Victor's	10,000
" Sebastiani's	7,000
" From Madrid	2,000
" Convalescents, &c. &c.	5,000
<hr/>	
" Total disposable	<u>59,000</u>

ALLIED FORCE.

" Lord Wellington's British	35,000
" Gen. Graham's do. from Cadiz	7,000
" Portuguese	20,000

" Disposable under Lord Wel- lington	62,000
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To which may be added the Spaniards :

" Under General Blake.....	9,000
" General Castanos.....	7,000
" General Ballasteros.....	4,000
" General Freyze.....	11,000

31,000	
" British and Portuguese.....	62,000

" Grand total of the Allies ...	<u>93,000</u>
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" It is even supposed that sooner than not " make a grand effort to recover their as- " cendency in the Peninsula, it is the de- " sign of Buonaparté to evacuate all the " fortresses, and abandon every secondary " object in order to bring the whole of the " French force to bear at once. But " even in this supposition we feel no alarm " —our confidence of final success would " remain unabated. The Allies, acting " in the same manner, would still retain " a numerical superiority of 20,000 men ; " the number of the French being in that " case 121,000, and those of the Allies " 141,000. We have only to repeat, that " this estimate of the amount of the re- " spective forces of the contending Powers, " is derived from the most authentic sources." — What, reader, where is Marshal Beresford ?

With Lord Talavera, perhaps. What ! and have we, then, but 42,000 English troops in all, in Spain and Portugal, and only 35,000 under Lord Talavera ? Only 20,000 Portuguese out of the 60,000 that our Honourable House has, months ago, voted a year's pay for ? — Reader, bear in mind, that *a year ago*, we had 30,000 English troops in Portugal. Yes, a year ago ! And, how many thousands *have gone thither since I will leave you to guess* ; but, this I know, that, from one quarter or another, troops have been going to Lisbon for the last nine months, from every part of this kingdom and from some of our colonies. What, then, are become of them ? Well, but our *Portuguese* ! Our 30,000, that we had last year, are sunk down to 20,000, and not a word about *the other 30,000 to be added this year* ! — If this really be the state of the armies, there is very little difficulty in foreseeing the result, unless we can get more troops out in a very short space of time. Here are 59,000 French against 49,000 English, the former having *a superiority of cavalry* ; for, as to the Spaniards and Portuguese, I do not reckon them at all. They are nothing to be *relied on*. They may be both faithful and brave ; but, somehow or other, we do not find them *effective*. — I see no prospect of a termination to this Portuguese war. Thirty or forty thousand fresh troops from France would give our transports another summer's work ; and to *what end* ? We shall be but where we now are. Unless we can muster a force sufficient to attack the French, and to *follow up* our attacks, until we see them fairly out of Spain ; unless we are able to pursue a plan of this sort, we shall do worse than nothing : we shall exhaust ourselves without injuring our enemy and without preventing the final subjugation of the countries, which we have undertaken to defend.

WM. COBBETT.

*State Prison, Newgate, Friday,
June 21, 1811.*

FLOGGING SOLDIERS.

*Debate in the House of Commons, on Tuesday
the 18th of June, 1811.*

Sir F. BURDETT rose to make the Motion of which he had given notice, respecting corporal punishments in the army. He said, the subject had for several years weighed and pressed upon his mind, and

he at length determined to bring it forward to the House; but having, from time to time, heard from several gentlemen, high in the army, that Government had an intention to abolish it, he had been induced to withhold from making any Motion, wishing rather that the measure should voluntarily flow from them, than that it should be adopted from the interference of that House. It had been said, at the time of passing the Mutiny Act, that a clause would be introduced, which would have the effect of abolishing this scandalous punishment by degrees: but having found from the clause in the Local Militia Act, that was not the case, he thought it was his duty not to lose a moment in coming down to the House, to give a notice on the subject; and he had only brought forward the case of Taylor as an instance of what was necessary to be done. Finding, however, that the case of a Local Militiaman did not perhaps sufficiently apply to the case of the general adoption of this punishment in the main body of the army, he had given up that case, and thought it best to proceed on the motion which he should have the honour, before he sat down, to submit to the House. There were other reasons which urged him much to come forward with it. The press had been treated with uncommon severity on account of mentioning the disgraceful punishment of flogging our soldiers. Very severe sentences had been passed on two public writers for having said that these degrading punishments in our army had

Sir M. Wood spoke to order, and was proceeding to comment on the speech of Sir Francis Burdett—

Mr. BROUGHAM spoke to order, and said, if the Honourable Baronet who spoke last was allowed to proceed in that way, he should move that the debate be adjourned.

The SPEAKER said, Sir M. Wood had not shewn any thing to prove the Hon. Baronet whom he had interrupted, was out of order: he must do that, and not comment on the Honourable Baronet's speech.

Sir M. Wood then moved that the gallery be cleared.

[The Gallery was then ordered to be cleared; but when most of the strangers had withdrawn, in consequence of the motion not being persisted in, they were re-admitted.]

SIR FRANCIS BURDETT (on our re-admis-

sion into the Gallery) was speaking on the motion of which he had given notice. In the view that he took of this subject he was sanctioned by the opinions of many general officers, and persons who had eminently distinguished themselves in the service of their country. Many of those officers not only agreed with him in theory, but had proved in practice, and in the discipline of their corps, that the system of flogging is not essential to the discipline of the English army, and that it was as unnecessary as it was cruel and disgraceful. Among the many bright examples of officers that knew how to maintain proper discipline in their regiments without flogging, he thought it would be injustice not to mention the illustrious name of his Royal Highness the Duke of Gloucester, who for the last three years had kept his regiment in a high state of discipline without having recourse to flogging: and it appeared to him that his conduct in this respect did equal credit to his abilities as an officer, as it did to the amiable qualities of his heart. He was sorry to be obliged to state another most remarkable instance of the inefficacy of pursuing an opposite line of conduct. He must say that the 15th regiment of dragoons was a regiment long distinguished for its efficiency in the field, and for its peaceable, modest, and proper demeanour in every respect, before his Royal Highness the Duke of Cumberland got the command of it. Until that time, punishments of this nature had seldom been known in it; and it was a melancholy thing to state, that more cruel punishments took place within a very few months after the Duke of Cumberland was appointed to the command, than had taken place in that regiment ever since the period of the seven years' war, down to the time in which he had got the command of it. The excellent pamphlet of Sir Robert Wilson upon this subject, was, as he supposed, in the hands of every Member; and therefore he should content himself with stating, generally, that that gallant and distinguished officer most decidedly reprobated the system of flogging. He understood, also, that the present Commander-in-Chief wished, as far as was in his power, to get rid of this ignominious and cruel mode of punishment; and he must do him the justice to say, that he understood that in the management of his own regiment a very mild system of discipline had always been pursued. He thought it would be also doing injustice to

the known humanity and benevolent nature of his Royal Highness the Prince Regent, not to suppose that he also felt alive to the sufferings of our brave soldiers, and that he also would be very anxious to free them from the degrading and cruel punishments to which they are now exposed. He therefore by no means thought the improbability of succeeding in this object was as great as it appeared to many men. He would mention, also, a militia regiment which had been commanded by Lord Euston, now Duke of Grafton. This regiment had long been considered as a pattern regiment, and many other officers endeavoured in vain, by the severity of punishments, to make their regiments equal to it; and yet Lord Euston brought his regiment to this perfection without having recourse to flogging. The instrument called a cat-o' nine-tails was not known by the drummers of that regiment. When persons of such rank and acknowledged merit as he had mentioned, had proved by practice that the best discipline can be kept up in the army without flogging, he conceived himself entitled to state, that it would be well for the British army, in every point of view, if the example and authority of such men were generally followed. In the cases that he should think it necessary to state to the House, he derived his information from persons who were in situations that gave them the means of knowing, and of whose veracity he had no doubt. He did not think it proper to name his authorities in the first instance, although many of them had given him permission so to do. He considered that naming them now, might possibly do injury to those individuals without being of any public advantage; but if the House had granted an enquiry, he would certainly have brought them forward as witnesses to prove the statements he should now make. He had been informed by a surgeon of a regiment, that a man under his care who had a defect in his sight, had literally been flogged for being blind, (murmurs from the Ministerial benches.) The case was this: the surgeon who gave him the information was a young man at the time, but this soldier had been under his care, and had even undergone many painful operations for the defect of sight, which he was convinced was natural. This case, with many others, was referred to a senior surgeon, who was a hasty and careless man. His report, was, that there was nothing the matter with his sight, that

it was all a pretence to avoid duty, and that he was (to use a term he did not understand) a malingerer (maligner.) The young Surgeon finding his professional judgment thus impeached, appealed to the judgment of another surgeon of still greater practice, who coincided with him that the defect of sight was real. Nevertheless the man was brought to a trial by Court-martial for being a malingerer, and the man was actually condemned, and did receive a hundred lashes. When the surgeon of superior standing afterwards told the officers that the man really had a natural defect in his sight, the answer of one of them was—‘ Well! what signifies a hundred lashes to a man of his description?’ This case he would be ready to prove if an enquiry should take place. Another instance he had to state of severity of punishment was, that at Gibraltar, two men had been so harassed and disgusted with the service, that to get rid of it they chopped off, each of them, one of their hands. Instead of gaining their object, and getting rid of the service, they first received a severe punishment for this offence; and after they had so received their punishments, they were condemned to eke out the remainder of their lives in servile employments, and no soldier was allowed to speak to them. He must, however ask, upon this case, what must have been the disgusts which those men had received, to induce them even to cut their own hands off, and how harassing must that service have been, which they would take such methods of endeavouring to free themselves from? There was another case of a soldier of 70 years of age, and who had served for upwards of 50 years with great credit and an excellent character. He unfortunately got a little in liquor, and was sentenced to be flogged. In vain he stated his length of service, his never having been before sentenced to any ignominious punishment, his wounds, and his age. The answer to him was, that his age and his length of service should have made him know better; and he was flogged. The very same day, another soldier, a young lad of 16, was condemned for some impropriety of conduct. He pleaded his youth and inexperience: but he was answered, that on that very account he must be made to learn his duty; so that youth or age, inexperience or long and faithful services, were urged equally to no purpose, as a mitigation of the severity of punishment. When he was confined in the

Tower, he was unfortunately an eye-witness of the severity of the punishments that were inflicted on very old men for trivial offences. One of those whom he saw flogged had been thirty years in the army, and had received no fewer than seventeen wounds in the service of his country. It was, indeed, a most painful sight to see an old man, whose breast was scarred with honourable wounds, having his back lacerated with ignominious stripes for some petty offence. He saw another old soldier flogged, who had been twenty-seven years in the service. As to the severity and cruelty of the punishments he could not have had an idea of it if he had not been an eye-witness. Great as the corporeal suffering must be in such cases, he thought the shame and disgrace of it was still worse. There were but few persons who knew what a severe instrument of torture the cat-o'-nine tails was. Every lash inflicted by it was, more properly speaking, nine lashes. These were pieces of whipcord, not such as Gentlemen used to their horse-whips, but each of them as thick as a quill, and knotted. This dreadful engine of torture was frequently applied by the strength of fresh men relieving each other until human nature could bear no more suffering; and then, if pains were taken to recover the unhappy sufferer, it was only to enable him to undergo fresh agony and farther pain. What appeared to him to be the most disgusting thing in the whole transaction was the attendance of the surgeon, whose business appeared principally to detect any lingering principle of life which could enable the man to undergo more torture; and his art and knowledge, with an almost impious profanation of the healing art, was exercised principally for the purpose of renewing the faculty to bear fresh tortures. He really did not believe that in the description the poets gave of hell, there were any tortures equal to what is called a military punishment. He believed the principal part of the complaints of the soldiers, and of the reasons for which they were flogged, was, that they were often dissatisfied with the manner in which their pay, and what was called "necessaries" were furnished. (The Hon. Baronet here read an extract from a work of Major James, in support of his opinion, that such was the general cause of discontents in the army, and military punishments.) He had often thought, that if instead of nothing but punishment for offences however slight, sol-

diers could stand before a court-martial to determine what rewards, what honours, or what increase of pay they were entitled to for gallant services, the army would get on much better. At present, the system pursued was degrading to the whole army, to the officers who ordered and witnessed the punishment, as well as to those who were condemned to endure it. The Gentlemen in this country are thus exposed to witness what no other Gentlemen in Europe are obliged to see. These severe punishments were not inflicted for serious offences only, but on the most trifling matters of regulation in the regiment. There was nothing so trivial either in dress or equipment for which a soldier might not be flogged. When the number of desertions which took place every year was considered, and the punishments which might be inflicted for such desertions, he calculated that five millions of lashes might be annually inflicted on this account, for he must always calculate every lash given with a cat-o'-nine tails as nine lashes. We often heard of how many strokes a minute was given by a steam-engine, but the flogging system would far exceed, in this respect, any powers of the steam-engine. It was the opinion of almost every experienced officer, that no regiment, or no soldier, was ever corrected by those military punishments. The men who suffered the punishments were, in a manner, driven from their rank in existence, and afterwards appeared heart-broken, and ashamed to look their comrades in the face. The House had lately expressed its sympathy for the sufferings of West India slaves, but there was nothing in the West Indies which could be at all compared, for cruelty, with the manner in which the English soldiers were flogged. How painful it must be to their feelings when they marched against an enemy whom they knew was never flogged, to think of their own discoloured shoulders, and dishonoured carcasses? It was melancholy for them to recollect, that if their bodies should be found upon the field of honour, although their breasts might be pierced with glorious wounds, their backs would exhibit the cruel marks of disgrace. It was no honour for any man to command persons liable to be flogged, as it was no honour to command galley-slaves. The Hon. Baronet here read a long letter from Sir Robert Wilson, wherein he stated "that he had the mortification to hear a Russian Minister tell

the Emperor, that nothing was finer than to see an English regiment on parade, but that nothing was more disgusting than to see their camp in the morning, and witness the cruel and inhuman punishments that were constantly inflicted there." Drakard had, in fact, very much libelled the Russian nation, when he stated that they had copied the barbarity of our military punishments. British officers, however, found that they could discipline the people of other countries without resorting to the cat-o' nine tails. The Portuguese were allowed to have arrived at great proficiency in discipline, but they were never flogged as our soldiers are. The great Frederick of Prussia once governed his army, in a great measure, by the stick of the Corporal: he, however, soon found the error of his system from the number of desertions, and latterly adopted a very mild system. In this country the system of cruelty and torture had been introduced, principally with the view of Germanizing our soldiers; but the German soldiers in our pay were quite astonished at this mode of discipline, as nothing like it has been practised in Germany during their recollection. If British officers can make good soldiers of Germans, Portuguese, and every other nation without flogging, what a scandal it is to this country to say that it is necessary with the English alone? In the army of our enemy, it must always be recollect, that there were rewards as well as punishments, and Parliamentary influence was not necessary to obtain promotion. As to the cruelty with which English soldiers were treated, he insisted that it was greater than the common feeling of mankind could bear to witness, if exercised on a beast. If any man was to use a horse, or any other animal with such cruelty in a public place, his brains would probably be knocked out by the people. After a variety of other observations on the cruelty and inefficacy of the system of flogging, he concluded by stating, that, considering the advanced period of the Session, and the impossibility of now going into the enquiry, he thought it the best way to move for an Address to the Prince Regent, which he did to the following effect:— "That an humble Address be presented to his Royal Highness the Prince Regent, humbly praying, that his Royal Highness would be graciously pleased to take into his consideration the practice of flogging soldiers, and that he would issue such

orders to the Commanders of regiments, as should be calculated to restrain, and finally to abolish that cruel, unnecessary, and ignominious mode of punishment."

MR. BROUHAM seconded the motion.

MR. MANNERS SUTTON did not think he was called upon to follow the Hon. Baronet through the variety of statements which he had made in support of his motion. There was one observation, however, which pervaded the whole of the Hon. Baronet's speech, in which he (Mr. S.) most cordially concurred; and that was, that the question was of the utmost moment, as it involved the vital interests of the army. The House he trusted would go along with him in that sentiment, and when they were engaged in a discussion affecting so important a branch of the state, would look with impatience for some peculiar circumstances to warrant the motion being made at this late period of the session. No such peculiar circumstances had been stated, but the Hon. Baronet had insisted upon the expediency and necessity, in the first place the Hon. Baronet ought to have shewn to the House, that there were facts which would induce strong suspicion that military punishments were greatly abused. Had he done so? Had he shewn that to be the case? He certainly had not. If his object was then, by the statement which he had made, simply to get rid of corporal punishments, that object could be attained by what the Legislature had done already. By the clause introduced in the last Mutiny Act, Parliament had recommended and enacted, That in all cases where corporeal punishment could be dispensed with, without danger to the Army, the practice of flogging should be abolished. Let the House compare what had been done then with what was now asked, and see if any necessity or expediency could arise for the motion. When such was the disposition of Parliament, aided by the general intention of those who superintended the concerns of the army, was it not too much to bear hard upon, and to treat with a degree of levity, as it seemed, the Officers composing Courts Martial? (*Hear! hear!*) Would the Honourable Baronet say that these Officers would be adverse to inflicting the punishment of imprisonment for crimes, when they considered such imprisonment an adequate substitute for flogging? Unless the Honourable Baronet meant to doubt they would, and to cast a suspicion upon the inclination of the Offi-

cers composing Courts Martial, his views were met by the Legislature. He could not avoid lamenting that the Honourable Baronet should be induced, in his description, to over-rate and draw an exaggerated picture of the proceedings of Courts-Martial. Did he mean to say, that fair trials had been had? It was utterly impossible he should so contend. In many instances he (Mr. S.) could state, from his official knowledge, that the recommendation of the Legislature had been resorted to the moment the law allowed. Even before the Mutiny Act authorising it was printed, applications had been made upon the subject from certain Courts Martial to know whether they might safely imprison, instead of inflict corporeal punishment; and the answer that was returned was in the affirmative. In his opinion it was not advisable wholly to dispose of corporeal punishment, unless it should appear that imprisonment was a safe substitute; and at the same time he was prepared to admit that if the Honourable Baronet had or could shew any circumstances of aggravated cruelty, they ought certainly to be inquired into, but he had not brought forward any serious case. He had contented himself with appealing to the feelings rather than to the justice of the House. Some of his statements (though the House could not expect him to be able to answer all in the shape they appeared) were grounded upon misinformation. For instance, the Hon. Baronet some days ago had mentioned the case of a local militia-man accompanied with a description calculated to arouse the feelings. This night, however, the Hon. Baronet had abstained from all mention of it, no doubt from the knowledge that he had been imposed upon. Indeed from inquiry he (Mr. S.) had reason to believe (not having heard the statement) that the Hon. Baronet was misinformed. The fact was, that when the local-militia men were assembled, many recruits were collected some days before at the head-quarters; reports had reached the Colonel's ears, that the bread was not so good as it ought to have been. The Colonel consequently wishing to remove the cause for complaint, sent for the contractor, and gave him strict injunctions to be careful respecting the bread. In the course of that night in which the complaint was made, numbers of the corps arrived not in a state of soberness, and the complaint was again renewed. The Officers of the corps desired that

the bread should be brought, which was done, and they tasted it; and the result was, that they decided it was good. Still murmurs went on partially, and these men who arrived in the night, heated with liquor, joined in the complaint; the bread was kicked about the streets whole as it was, untouched and untasted, of course they could not have the knowledge whether the complaints of their comrades was well or ill founded. In this state of things samples were sent to the Inspector General of the district; he decided that the bread was good. This, however, did not satisfy the men; they placarded the town with bills, complaining that sour bread was served out to them, and they abused and hissed their Officers, until at length, from their riotous conduct, it became necessary to notice them in a serious manner; some were apprehended, and among them this man who had written the song. He was brought to trial, and upon the clearest evidence convicted of being the ring-leader in the riots; for this he was sentenced to receive corporeal punishment, which was inflicted. (*Hear!*) The House would be glad to hear, in contradiction to the statement of the Hon. Baronet, of the hardship of this man's case, that after the punishment, he was the loudest in admitting the expediency of it, and in extolling the lenity which he had experienced. Mr. S. read a letter from the Surgeon of the Regiment to which, the man belonged, which stated that he was present when two of the man's comrades called upon him to remonstrate upon the little courage he had shewn in allowing what had been done. "The man desired them to be silent, said, what had happened was right, for without discipline he was convinced the regiment could not exist, that his sentence was just and lenient, and that the execution of it was most merciful." (*Hear, hear!*) This statement, Mr. S. conceived was most important to go forth, as it served as an explanation of the Honourable Baronet's statement, and shewed that great severities and cruelties were not inflicted. The Honourable Baronet had mentioned cause of horror which appeared to him to be aggravated in the detail. Regular Courts Martial did not particularly come under his (Mr. S.) consideration, but with respect to General Courts Martial, an order was issued by the present Commander in Chief, directing all Generals of Districts to make a return to the Office, of Courts Martial, the nature of the cases, the pu-

nishment inflicted, and the character of the men convicted; which return is made every six months. He mentioned this in answer to the observations, and to shew that the Board were not indifferent to the proceedings of Courts Martial. With respect to the desertions in Ireland, the Hon. Baronet was wrong when he stated the number at 879. That number related to the offences, because many individuals could commit the offence several times before they were apprehended. Some parts of the Hon. Baronet's speech had excited his surprize, for he was sure that the British soldier was not an object of opprobrium or of compassion; nay, indeed, his conduct evidently shewed he did not feel himself that he was. There were persons who pretended to give accurate informations respecting the transactions in the army, and it was to be lamented, that any Member of Parliament should be prevailed on to take up any supposed cause for complaint, without having investigated whether any real grounds existed for it. (*Hear, hear!*) The frequency of bringing military matters before the House of Commons, was a source of much mischief, especially in ordinary cases. It became the Hon. Baronet, and others who had been in the habit of bringing such cases forward, for the future to examine deeply into the truth or falsehood of them. If they did not, they would undertake tasks which could not be satisfactory to themselves, nor to the army. (*Cries of Hear, hear, hear!*) So far was he from thinking that the state of discipline was the consequence of corporeal punishment, that he believed it arose more from the skill of the Officers and the good harmony and understanding which prevailed between the men and their superiors. This produced a mass of regulation, which served as an *impetus* in the hour of danger to the accomplishment of all those splendid victories and glorious achievements, which not only had been the themes of British praise, but the admiration of the world. (*Hear, hear!*) It was not to the physical strength of our army principally, or that the other nations were peopled with cowards, that we owed our success (far be it from him to say that), it was to the discretion, the management, and the controul of the army; the attachment of the men to their officers, which existed most prosperously for this country more than in any other nation, that England was at this moment triumphantly victorious. The object of the motion might

be to correct errors, but it would he feared, produce evil consequences. Was it then too much to ask the House not to accede to it? Besides the Hon. Baronet had not, supposing it were carried, proposed any thing in lieu of corporeal punishment. Did he mean to propose shooting? He (Mr. S.) apprehended not. All that could be reasonably done in the way of law had been already done; and it would be prudent to see what effect was produced before any thing further was attempted. For these considerations he should oppose the Motion.

MR. BROUGHAM regretted that the actual statement of that motion seemed to have totally escaped the honourable member, whose speech was much more like a prepared anticipation of a speech expected, than an answer to one made. The cases which his hon. friend had adduced had been objected to, but he would not trouble himself about those cases. He was satisfied with shewing from the principle of reason and law, that the system of flogging was unwise. This was the object of the motion, and nothing relating to any particular case: he was only anxious to bring the House to a pledge that it would proceed on the subject next session. The Judge Advocate had spoken of his amendments, and the effects he expected from them. But what was the change? The mutiny act had, since the Revolution, allowed of a latitude of punishment for higher offences, and a court martial might sentence to imprisonment or flogging. By the 22nd section of the Act, a court-martial could go to any extent of punishment that did not injure life or limb. There was of course no change in the law: or if the hon. member said there was any change, he said what was not law. The law allowed latitude of corporeal punishment, and imprisonment was such. If it was still to be insisted that there was a change, it must reduce itself to a hint to courts-martial, that they might look rather more to imprisonment than they had done. But all this was feeble. Flogging for mutiny, &c. would continue to the amount of eight or ten hundred lashes, and the change produced by the amendment would be nothing. Why was not the amendment introduced into the first section, and made adequate to supersede capital punishment, as the only thing that could be superseded by the amendment? The courts martial having already had power of imprisonment for inferior of-

fences, would find their powers neither increased or diminished by this alteration. Taylor's case was of small interest compared with the general question. He had lately expressed himself strongly in abhorrence of the flogging of negroes, a race less connected with us than the objects of the motion, and the House were loud in their detestation of the cruelty. Why not, when it came nearer home, and among a gallant and manly race of beings? The spectacle of a military flogging was one of the most horrid; and that, not on the testimony of persons of peaceful habits, but on the authority of officers educated in the view of them. But those were the very men who talked of them in the most powerful language. The representations of those officers would have been answered, if they were capable of being answered, but they were not. They had given their names in the face of the whole army. If any thing could have been said there were venal pens enough to vindicate the cruelty. That the punishment was ignominious, was on the testimony of officers of no common distinction: General Stewart, Sir Robert Wilson, and General Cockburne. Flogging turned the indignation at the crime, against the punisher. Why was not torture a regular punishment? Except a *dictum* and a solitary passage in the Bill of Rights, there was nothing about the abolition of torture, because it never was the law of England. On the trial of Fenton for the murder of the Duke of Buckingham, there was an attempt at examining by torture, but the Judges declared that it could not be administered by the law of England. That law prohibited any unusual or cruel punishment. The punishment was not merely obnoxious as not reclaiming the culprit, but as an offence to public decency. His hon. friend had been called on to point out a substitute for flogging. The law had done it already by pointing out imprisonment. There were other modes of making discipline secure, such as deprivation of pay and restraint of food. But now we took the wretched victim down from the triangles, an object for the dissecting room or for the hospital, to be hung up again, and receive another such punishment. The Duke of Gloucester thanked his Lieutenant-Colonel for not having had a single flogging in his regiment for two years and a half. (*Hear.*) Was there any decay of discipline on that account? The practice was ruinous to the soldier. He

lost his spirit, feeling and character. The motion should have his support.

Lord PALMERSTON argued against the motion. His Right Hon. Friend had been misrepresented. He had never said that the House of Commons had implied their censure on the practice of flogging, by acceding to the introduction of the new clause in the Mutiny Bill. What he had said was, that they gave Courts Martial the alternative between that and other punishments. The cases adduced by the Honourable Baronet were, with one exception, anonymous. But if the House were to judge of the cases which the Honourable Baronet had named, the House must be satisfied, of the fallacious grounds on which the Hon. Baronet had proceeded. Imprisonment was not equivalent to flogging. There were many cases of military delinquency for which no punishment but corporeal punishment was suitable. In disturbances, for instance, which tended to mutiny, it was necessary that the punishment of the offenders should be immediate in its operation, and impressive in its effect. As to the punishment of death, he did believe that many of those who were brought to the halberts would be much obliged to the Honourable Baronet, if they were told that at his particular intercession they might be shot. The Hon. Baronet had thought fit to load the military service of his own country with opprobrium, and to characterise it as the worst in Europe, and one into which foreigners were deterred from entering. The House had been too busily employed in acknowledging the achievements of the British army, to render it necessary to say any thing on the subject, although certainly the assertion with respect to foreigners came with a bad grace from one who had formerly so strongly reprobated the introduction of foreigners into our military service. After stating the minute attention paid by the Commander in Chief to the proceedings and sentences of Regimental Courts Martial, for the purpose of preventing any unnecessary severity in the treatment of the soldiers, the Noble Lord concluded by expressing his dissent from the motion, as unnecessary and injurious.

Mr. WHITREAD recalled to the minds of the House the time when punishments at the discretion of the Commanding Officer of a regiment, and without any Court Martial, were defended as necessary to the discipline of the army. Yet those capri-

cious punishments had been discontinued with the most beneficial effects. So would it be with the punishment of flogging. About 17 years since he had remonstrated against the practice of bringing out men to receive the second part of their punishment. He was happy to find, that, if he understood the Judge Advocate, that Hon. and Learned Gentleman admitted that it was illegal. Discussion on such subjects he considered as always productive of advantage: and he instanced the case of Jeffries the seaman as a proof of his assertion. The manner also in which the Judge Advocate had explained the introduction of the word "imprisonment" into the Mutiny Bill at the present year, was an additional proof of the advantage of discussions, and he was persuaded that it would shew Courts Martial the way in which they ought to consider the subject. After reprobating in very severe terms the practice of flogging, he proceeded to admit that those parts of the Hon. Baronet's speech which related to hospitals, stoppages, &c. were extraneous and unfounded. As to pay, clothing, quarters, attention to health, &c. he was persuaded that no army was so well off as the British. The general system was good, and he sincerely believed that the situation of the British soldier was as good with respect to comfort, and with the exception of this one black spot, better with respect to honour than that of any other soldier in the world. Though the address might not be carried, he was persuaded that the effect of the discussion would be, that in a year or two the practice of flogging in the army would be generally acknowledged to be wholly unnecessary.

Mr. YORKE observed, that the question was whether they should abolish altogether a method of punishment which had existed since Great Britain had an army, by the summary mode of an address to the Report proposed at a late period of the Session in a thin House, and founded on no established fact of existing abuse. He defied Gentlemen to instance an army at any period, and in any country, but the discipline of which corporeal punishment was not found indispensable. It was so found in Greece and Rome. In the times of the greatest Roman freedom the Consul was accompanied by the Lictors, with their fasces, in order to inflict summary and severe corporal punishment on offenders, and he was persuaded that the discipline neither of an army nor of a navy could be

maintained without a reference to those ancient modes of punishment. In conclusion, he gave it as his opinion, that they might go farther and fare worse; as other changes in the system which had been proposed, might lead to consequences of which Gentlemen had formed no idea, but which might be found mischievous in the extreme.

Mr. W. SMITH contended, that the same arguments which were now used in favour of the present system, might in former times have been urged to prove the necessity of the torture. Similar reasons might be given in opposition to any other plan of reform that might be proposed. The present mode of punishment would, however, it was his opinion, be ultimately exploded, and something had already been done towards effecting so desirable an object, by the discussions which had taken place, and the consideration which had in consequence been bestowed on the subject. He was confident that in very few years military flogging would be one of those things which would not only be no longer resorted to, but people would hold up their hands and wonder that it had been tolerated so long.

The CHANCELLOR OF THE EXCHEQUER did not think that even those who were most for changing the system, on considering the nature of their own arguments, and the terms of the motion, would give it their approbation. It had been said by the last Speaker, that the motion only went to recommend it to his Royal Highness gradually to effect an alteration in the punishment inflicted in the army. If this were really the sole object of the motion, would it have been worded as it was? Would it have been deliberately drawn up so as to cast a stigma on the present system, and also to cast a stigma on the Parliament for having permitted it to continue so long. The resolution called upon the Prince Regent to restrain, and finally to abolish the present mode of punishment, which it pronounced to be cruel, ignominious, and unnecessary. Was it for that House to come to the conclusion that that punishment was unnecessary, which was said to be cruel and ignominious, and then merely vote an Address to the Prince Regent, praying that it might be gradually abolished. If they came to the Resolution proposed, they ought not go much farther. He (the Chancellor of the Exchequer) was not disposed to admit, that such a motion ought at any time to be brought forward.

but if ever there was a period on every account more improper than any other at which such a one could be made, that period was the present. He was certain no man could expect that it would be carried. If, as had been said, all that was good was to result from discussion, it must be confessed that the Hon. Baronet had very ingeniously fixed on the best time for bringing it forward, as in the present instance nothing could be expected to follow discussion. As every thing was going on as well as could be wished, this was thought the most proper time for bringing the subject forward. Because it was unnecessary. This was the period at which it was supposed to be most proper. The Right Hon. Gentleman then proceeded to shew that there were grounds for instituting an inquiry. An inquiry, though he did not believe was desired by the Honourable Baronet, he (Sir F. Burdett), had received information which he (the Chancellor of the Exchequer), did not doubt the Honourable Baronet thought such, that he might rely on it with perfect confidence. —The Hon. Baronet might believe it, but would the House believe it on his statement? This they could not do, as the House had it before them, that the Hon. Baronet had been in the habit of picking up stories, which when names were given, were traced to their source, and proved to be perfectly unfounded. Ought they then to believe those assertions? Ought they to have any weight with the country because they went forth uncontradicted and “uncontradictable,” as the case stated was anonymous? There might be some errors in the system, but they had the admission of an Hon. Gentleman opposite, that there never was a system in which the ease and comfort of the soldier were so much consulted. Gentlemen talked of the advantages of the French service. How could the House listen to it? What good could be expected from an attempt to prove, that of all services that of the English was the worst? What advantage could result from representing the English soldiers as being those who were most degraded, not only degraded among themselves, but so degraded as to be pointed at by their fellow-subjects with the finger of scorn. (*Hear! hear!*) If the Hon. Baronet were only supported by those who believed such a sentiment general, he (the

Chancellor of the Exchequer) thought he would not have even a teller to his motion. He knew not whence the Honourable Baronet drew his notions of the disgrace of the soldiers in the British service. He could not tell whether the information on which they were founded was drawn from the periodical publications he might read, or from any society with which he might be in the habit of meeting, but this was the first time for a number of years that he had heard the army spoken of in such terms. With respect to the division, he could feel no apprehension, but he thought if Gentlemen looked at the question fairly, those who were in favour of a change would hesitate before they gave the present motion their support.

Mr. C. ADAMS was against the motion, and he hoped the Hon. Baronet would not press it to a division.

Mr. WHITBREAD, in explanation, said, in answer to what had been advanced in the course of the debate, that he did not think the flogging received by seamen at the gangway equally disgraceful with those frequently inflicted on soldiers. There was, however, one mode of punishment in the navy, flogging round the fleet, which he thought equally disgraceful.

Sir F. BURDETT, in reply, denied that the arguments of the Right Hon. the Chancellor of the Exchequer had at all either shaken his conviction of the necessity of his motion, or his resolution to attempt to execute it. Rational discipline stood on one hand, and correction by the cat-o'-nine-tails on the other, and nothing should hinder him from supporting a measure of mercy. He disdained to retort on the insinuations which he believed that the Chancellor had used against his motives for his motion. He sustained his opinions on the cruelty of punishment, and quoted, as an act of wantonness, a poor soldier who had been flogged because he got married. He did not know that punishment awaited on virtue. The Militia Ballot was a severe conscription, and hung heavy on the middling classes of the people; and by that very law every man of England was born to be flogged. He persisted in pushing his motion to a division.

For the motion	10
Against it	94
Majority	—84